

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
CONSTELLATION NEWENERGY INC.,
:

Plaintiff,
:

-v-
:

WEST SIDE MANHATTAN REAL ESTATE LLC,
:

Defendant.
:
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20-CV-8448 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

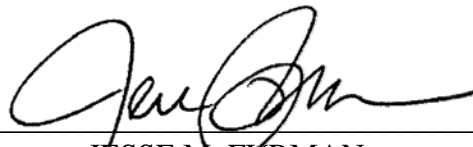
Defendant filed its Answer on January 25, 2021. ECF No. 27. On January 30, 2021, Defendant filed a Third-Party Complaint naming three third-party defendants. ECF No. 28. The Clerk of Court flagged the Third-Party Complaint for non-compliance with Rule 15 of the Federal Rules of Civil Procedure and instructed Defendants to obtain the Court's leave or the opposing party's written consent in order to re-file.

This instruction was in error. Third-party pleadings, like that filed at ECF No. 28, are governed by Rule 14 of the Federal Rules of Civil Procedure, not Rule 15. And Rule 14(a)(1) allows a defendant to, as of right, "serve a summons and complaint on a nonparty who is or may be liable to it for all or part of the claim against it" so long as the third-party complaint is filed within fourteen days of the defendant's original answer. Fed. R. Civ. P. 14(a)(1). Here, Defendant's third-party complaint was filed five days after its answer, so leave of Court was not required, and the third-party complaint was properly filed.

The Clerk of Court is directed to remove the error notice on ECF No. 28.

SO ORDERED.

Dated: February 5, 2021
New York, New York



JESSE M. FURMAN
United States District Judge